



MEMO ENDORSED

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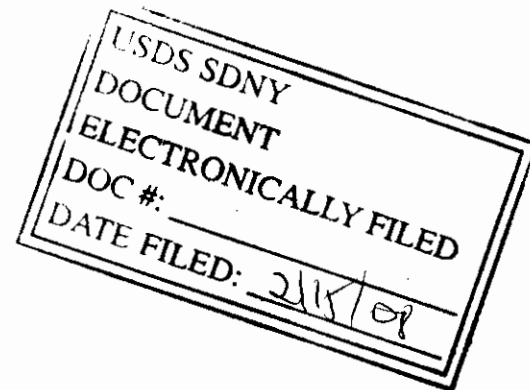
February 11, 2008

BY HAND

Honorable Richard J. Sullivan
United States District Judge
United States Courthouse, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jason Raphael v. The City of New York et al.
08-cv-00523 (RJS)(~~REDACTED~~)

Your Honor:



As the Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, assigned to defend the above-referenced matter, I write to respectfully request that the Court grant defendant City of New York¹ a sixty (60) day enlargement of time to and including April 11, 2008 in which to respond to the complaint. Plaintiff's counsel, Mr. Richard Cardinale, consents to this request.

Plaintiff brings this action pursuant to 42 U.S.C. §1983 alleging, *inter alia*, that, on October 16, 2006 at approximately 5:30 p.m., he was falsely arrested, taken to the 67th precinct where he was illegally strip searched and then subsequently detained at Riker's Island for approximately two weeks. According to plaintiff's complaint, after he made two court appearances, on April 17, 2007, the prosecution dismissed the criminal charges against him. Based on the foregoing, it is necessary for defendant City of New York to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution, a consent and authorization for the release of records sealed pursuant to New York Criminal Procedure Law § 160.50 and a release for plaintiff's medical records. Defendant cannot obtain these records without plaintiff's authorizations, and without the records, defendant cannot properly assess this case or respond to the complaint.

¹ Upon information and belief, the individual identified in the caption of the complaint as "Detective Daniel P. Murphy" has not been served with a copy of the summons and complaint. Without appearing on his behalf, it is respectfully requested that, in the event he was served, the same extension be granted to him in order to ensure that his defenses are not jeopardized while representation issues are being decided.

No previous request for an enlargement of time has been made. Accordingly, it is respectfully requested that defendant's time to respond to the complaint be extended to and including April 11, 2008.

I thank Your Honor for considering the within request.

Respectfully submitted,



Brooke Birnbaum (BB 8338)
Assistant Corporation Counsel

cc: Mr. Richard Cardinale, Esq. (By Fax)

SO ORDERED
Date :


2/13/08